

**AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MR. WHITFIELD OF KENTUCKY, MR.  
STRICKLAND OF OHIO, MR. KANJORSKI OF  
PENNSYLVANIA, MR. WAMP OF TENNESSEE,  
MR. GIBBONS OF NEVADA, OR MR. UDALL OF  
COLORADO**

At the end of title XXXI (page 467, after line 11),  
insert the following new section:

1 **SEC. \_\_\_\_.** **SENSE OF CONGRESS REGARDING COMPENSA-**  
2 **TION AND HEALTH CARE FOR PERSONNEL OF**  
3 **THE DEPARTMENT OF ENERGY AND ITS CON-**  
4 **TRACTORS AND VENDORS WHO HAVE SUS-**  
5 **TAINED BERYLLIUM, SILICA, AND RADI-**  
6 **ATION-RELATED INJURY.**

7 It is the sense of Congress that—

8 (1) Since World War II Federal nuclear activi-  
9 ties have been explicitly recognized by the United  
10 States Government as an a ultra-hazardous activity  
11 under Federal law. Nuclear weapons production and  
12 testing involved unique dangers, including potential  
13 catastrophic nuclear accidents that private insurance  
14 carriers would not cover, as well as chronic expo-  
15 sures to radioactive and hazardous substances, such

1 as beryllium and silica, that even in small amounts  
2 could cause medical harm.

3 (2) Since the inception of the nuclear weapons  
4 program and for several decades afterwards, large  
5 numbers of nuclear weapons workers at Department  
6 of Energy and at vendor sites who supplied the Cold  
7 War effort were put at risk without their knowledge  
8 and consent for reasons that, documents reveal, were  
9 driven by fears of adverse publicity, liability, and  
10 employee demands for hazardous duty pay.

11 (3) Numerous previous secret records docu-  
12 mented unmonitored radiation, beryllium, silica,  
13 heavy metals, and toxic substances' exposures and  
14 continuing problems at the Department of Energy  
15 and vendor sites across the country, where since  
16 World War II the Department of Energy and its  
17 predecessors have been self-regulating with respect  
18 to nuclear safety and occupational safety and health.  
19 No other hazardous Federal activity has been per-  
20 mitted to have such sweeping self-regulatory powers.

21 (4) The Department of Energy policy to litigate  
22 occupational illness claims has deterred workers  
23 from filing workers compensation claims and im-  
24 posed major financial burdens for workers who  
25 sought compensation. Department of Energy con-

1 tractors have been held harmless and the Depart-  
2 ment of Energy workers were denied workers com-  
3 pensation coverage for occupational disease.

4 (5) Over the past 20 years more than two  
5 dozen scientific findings have emerged that indicate  
6 that certain Department of Energy workers are ex-  
7 perienicing increased risks of dying from cancer and  
8 non-malignant diseases at numerous facilities that  
9 provided for the nation's nuclear deterrent. Several  
10 of these studies also establish a correlation between  
11 excess diseases and exposure to radiation, beryllium,  
12 and silica.

13 (6) While linking exposure to occupational haz-  
14 ards with the development of occupational disease is  
15 sometimes difficult, scientific evidence supports the  
16 conclusion that occupational exposure to dust par-  
17 ticles or vapor of beryllium, even where there was  
18 compliance with the standards in place at the time,  
19 can cause beryllium sensitivity and chronic beryllium  
20 disease. Furthermore, studies indicate than 98 per-  
21 cent of radiation induced cancers within the Depart-  
22 ment of Energy complex occur at dose levels below  
23 existing maximum safe thresholds. Further, that  
24 workers at Department of Energy sites were exposed

1 to silica, heavy metals, and toxic substances at levels  
2 that will lead or contribute to illness and diseases.

3 (7) Existing information indicates that State  
4 workers' compensation programs are not a uniform  
5 means to provide adequate compensation for the  
6 types of occupational illnesses and diseases related  
7 to the prosecution of the Cold War effort.

8 (8) The civilian men and women who performed  
9 duties uniquely related to the Department of Ener-  
10 gy's nuclear weapons production and testing pro-  
11 grams over the last 50 years should have efficient,  
12 uniform, and adequate compensation for beryllium-  
13 related health conditions, radiation-related health  
14 conditions, and silica-related health conditions in  
15 order to assure fairness and equity.

16 (9) This situation is sufficiently unique to the  
17 Department of Energy's nuclear weapons production  
18 and testing programs that it is appropriate for Con-  
19 gressional review this year.